

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
GENNARO RAUSO	:	NO. 10-406

MEMORANDUM

Baylson, J.

March 1, 2012

This Memorandum is being filed to advise the Defendant of the reasons why the Court denied his Second Motion for Transcription of the September 19, 2011 and October 28, 2011 Notes of Testimony (ECF No. 79).

To this Court's knowledge and after review of all of the docket entries in this case, including those made both before and after the Court imposed its sentence and final order of restitution (ECF No. 66), the Defendant has never substantiated, by filing a paupers affidavit pursuant to 28 U.S.C. § 1915, that he is unable to afford the cost of transcription. The docket reflects, among other things, that the Defendant was represented by privately retained counsel at the time of his guilty plea and that the Defendant indicated his desire to represent himself pro se at the time of sentencing and also in connection with extensive proceedings on the issue of restitution.

The presentence report in this case indicates that the Defendant has control over substantial assets that could be utilized or sold for payment of the cost of transcription. Until and unless the Defendant shows that he is unable to pay for the costs of transcripts, the Court is not authorized to order them transcribed at the Court's expense.

The Court further notes that although Defendant keeps referring to his right to appeal and has requested counsel on appeal, his guilty plea agreement, and the colloquy at the time of the plea, establishes that he knowingly and intelligently waived any right to appeal or to file for post-conviction relief.

BY THE COURT:

/s/ Michael M. Baylson

Michael M. Baylson, U.S.D.J.

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